

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FRANK “JOE” MENDEZ, et al.,

Plaintiffs,

v.

STEELSCAPE WASHINGTON LLC,  
et al.,

Defendants.

C19-5691 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) At the final settlement approval hearing scheduled for February 22, 2022 at 10:00 a.m., counsel should be prepared to address the reasonableness of the settlement to class members, including without limitation, the following, as to each of the three named claimants, Frank “Joe” Mendez, Donald Max Kimball, and Sia Gould:

(a) the aggregate gross annual bonus amount, if any, actually paid to each claimant, prior to the litigation, for Fiscal Year 2017 (“FY17”) under the Steelscape LLC Kalama Production Employees Pay for Performance FY17 bonus opportunity and for Fiscal Year 2018 (“FY18”) under the Coated Products North America Bonus Pay for Performance Steelscape Production and Production Support bonus opportunity;

(b) the bonus each named claimant claimed to be owed for FY17 and FY18; and

(c) the total percentage of the bonus (previously paid) and to be paid to each named claimant for FY17 and FY18 under the proposed settlement;

1 (2) Whether the settlement is reasonable and adequate given the following  
2 factors: (i) the strength of the Plaintiffs' case, (ii) the risk, expense, complexity, and  
3 likely duration of further litigation, (iii) the risk of maintaining class action status  
4 throughout the trial, (iv) the amount offered in settlement, (v) the extent of discovery  
5 completed and the stage of the proceedings, (vi) the experience and views of counsel,  
6 (vii) the presence of a governmental participant, and (viii) the reaction of the class  
7 members to the proposed settlement. Hanlon v. Chrysler Corp., 150 F.3d 1011, 1026 (9th  
8 Cir. 1998). Class counsel should also be prepared to discuss their assessment of the risks  
9 of litigation and the basis for their determination that the settlement is in the best interest  
10 of the settlement class; and

11 (3) The reasonableness of class counsel's request for attorney fees equal to  
12 25% of the total settlement fund or \$1 million given the following factors: (i) the time  
13 and labor required, (ii) the novelty and difficulty of the questions involved, (iii) the skill  
14 requisite to perform the legal service properly, (iv) the preclusion of other reemployment  
15 by the attorney due to acceptance of the case, (v) the customary fee, (vi) whether the fee  
16 is fixed or contingent, (vii) time limitations imposed by the client or the circumstances,  
17 (viii) the amount involved and results obtained, (ix) the experience, reputation, and  
18 ability of the attorneys, (x) the 'undesirability' of the case, (xi) the nature and length of  
19 the professional relationship with the client, and (xii) awards in similar cases. Kerr v.  
20 Screen Extras Guild, Inc., 526 F.2d 67, 70 (9th Cir. 1975).

21 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of  
22 record.

23 Dated this 18th day of February, 2022.

Ravi Subramanian  
Clerk

s/Gail Glass  
Deputy Clerk